

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

FREIDA L. MITCHELL,

Plaintiff,

v.

NANCY E. GRIFFITHS,

Defendant.

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No. 4:18-cv-00437-DGK

ORDER DISMISSING CASE

On June 6, 2018, pro se Plaintiff filed a Complaint but did not pay the filing fee. On July 10, 2018 the Court ordered Plaintiff to pay the filing fee or file a motion to proceed *in forma pauperis* on or before August 10, 2018. The Court also warned that failure to comply may result in the dismissal of Plaintiff's case. Plaintiff did not respond to the Court's order. In fact, Plaintiff has taken no action in the case since filing his Complaint.

A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order. *See* Fed. R. Civ. P. 41(b).

Plaintiff failed to comply with the Court's Order to pay the filing fee or move for *in forma pauperis* status, and has otherwise failed to prosecute this action. Accordingly, this case is dismissed without prejudice. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. Appx. 496, 497 (8th Cir. 2008) (unpublished opinion) ("[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order"); *Brooks v. Special Sch. Dist.*, 129 F.3d 121 (8th Cir. 1997) (unpublished table decision) (affirming dismissal without prejudice for failure to pay filing fee

because the district court has power to control its docket and may dismiss action under Rule 41(b) as long as dismissal is not abuse of discretion); *Farnsworth v. Kansas City, Mo.*, 863 F.2d 33, 34 (8th Cir. 1988) (pro se litigants are not excused from complying with court orders); *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630–31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

IT IS SO ORDERED.

Date: August 23, 2018

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT